

UNITED STATES OF AMERICA, )  
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 Plaintiff, )  
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 v. )  
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 HANNAH MICHELE BRASWELL, and )  
 NENA MARY-THERESE FORTNEY, )  
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 )  
 Defendants. )

No. 3:19-CR-200-TAV-DCP

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case is before the Court on Defendant Hannah Braswell's Motion to Continue Trial Date [Doc. 34] and Defendant Nena Fortney's Motion to Continue Trial and All Related Deadlines [Doc. 35], both of which were filed on March 27, 2020. The Defendants ask the Court to continue the May 5, 2020 trial date, as well as the motion and plea deadlines in this case. Counsel for Defendant Braswell states that although he has finished his review of discovery, he has not been able to meet with Defendant Braswell, due to concerns over COVID-19. Counsel for Defendant Fortney states that she needs additional time to complete her review of discovery, file pretrial motions, interview witnesses, conduct additional investigation, and prepare the case for trial. Both motions indicate that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of July 14, 2020.

Case 3:19-cr-00200-TAV-DCP Document 36 Filed 04/20/20 Page 1 of 3 PageID #: 73

served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges the Defendants with conspiring to possess heroin and fentanyl with intent to distribute between January 2018 through May 2019. The Defendants first appeared in this case on November 21, 2019, and received the balance of discovery, which is voluminous, in early 2020. The Court appointed [Doc. 31] new counsel for Defendant Braswell on February 13, 2020. Based on the representations of counsel contained in the motions, the Court finds that defense counsel need additional time to review the discovery, investigate the facts of the case, and evaluate the need for pretrial motions. The Court finds that progress on trial preparation has been affected by counsel's inability to meet with their clients during the COVID-19 pandemic. Thus, the Court finds that trial preparations cannot be completed by the May 5 trial date or in less than two months. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsels' exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendants' unopposed motions [**Docs. 34 & 35**] to continue the trial date are **GRANTED**, and the trial is reset to **July 14, 2020**. The Court finds that all the time between the filing of the motions for a continuance on **March 27, 2020**, and the new trial date of **July 14, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for filing pretrial motions is extended to **May 27, 2020**. Responses to pretrial motions are due on or before **June 10, 2020**. The parties are to appear before the undersigned for a final pretrial conference on **June 16, 2020, at 2:00 p.m.** If any motions are filed requiring a hearing, the Court will hear them at the final pretrial conference. The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **June 16, 2020**. All motions *in limine* must be filed

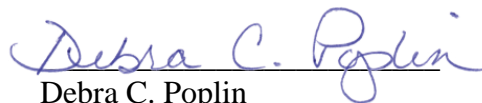
no later than **June 29, 2020**. Requests for special jury instructions shall be filed no later than **July 2, 2020**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendants' motions to continue the trial and schedule [Docs. 34 & 35] are **GRANTED**;
- (2) The trial of this matter is reset to commence on **July 14, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **March 27, 2020**, and the new trial date of **July 14, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **May 27, 2020**. Responses to pretrial motions are due on or before **June 10, 2020**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **June 16, 2020, at 2:00 p.m.**;
- (6) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **June 16, 2020**;
- (7) Motions *in limine* must be filed no later than **June 29, 2020**; and
- (8) Requests for special jury instructions with appropriate citations shall be filed by **July 2, 2020**.

**IT IS SO ORDERED.**

ENTER:



Debra C. Poplin  
United States Magistrate Judge